



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

mw

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,058	12/04/2000	Anke Krasemann	GR 99 P 5363	6468

7590 12/31/2001

LERNER AND GREENBERG, P.A.
POST OFFICE BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER

LUU, PHO M

ART UNIT	PAPER NUMBER
----------	--------------

2824

DATE MAILED: 12/31/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/729,058

Applicant(s)
Krasemann et al.

Examiner
Pho Luu

Art Unit
2824



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claims 1-20 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

Art Unit : 2824

DETAILED ACTION

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I. Claims 1-4, drawn to a method of producing an oxidation protected electrode for a capacitive electrode structure, classified in class 438, subclass 264.

Group II. Claims 5-20, drawn to a capacitive electrode structure, classified in class 257, subclass 59.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions groups I and II are related as a method of producing an oxidation protected electrode for a capacitive electrode structure, and a capacitive electrode structure. The inventions are distinct if either or both of the following can be shown: (1) that a method of producing as claimed can be used to make other and materially different with a capacitive electrode structure or (2) that a capacitive electrode structure as claimed can be made by another and materially different with method (MPEP § 806.05(f)). In the instant case (2) a method of producing an oxidation protected electrode for a capacitive electrode structure forming a metal oxide layer on a substrate, applying an oxidation inhibiting layer to configured to be impervious to oxygen atoms on the metal oxide layer that is different with the material of a capacitive electrode structure including a semiconductor substrate, a metal oxide layer formed on said semiconductor substrate.

Art Unit : 2824

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. A telephone call was made to Gregory L. Mayback on December 12, 2001 to discuss the restriction issue of this application, but was unable to search.

Conclusion

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Pho M. Luu whose telephone number is (703) 306-5943. The examiner can normally be reached on Monday through Friday from 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Elms, can be reached on (703) 308-2816. The fax phone number for this group is (703)-308-7722.

Any inquiry of a general or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 308-0956.



Vu A. Le
Primary Examiner

Pho M. Luu
Art Unit 2824
December, 2001.